

APPROVED MINUTES
YORK COUNTY PLANNING COMMISSION
Public Information Meeting
Subject: Draft Yorktown Historic District and Design Guidelines
York Hall, 301 Main Street
October 17, 2002

MEMBERS

Andrew A. Simasek
Robert D. Heavner
Nicholas F. Barba
Alfred E. Ptasznik, Jr.
Michael H. Hendricks
Ann F. White

CALL TO ORDER

Chair Michael Hendricks called the meeting to order at 7:00 p.m. All members were present, as well as staff members J. Mark Carter and Timothy C. Cross.

INTRODUCTION

Mr. Hendricks remarked that the purpose of the meeting was to further define the proposed Yorktown design guidelines and answer any questions the public may have about them. He said years of workshops, discussions, initial proposals, and a working draft had culminated in the Board of Supervisors sponsoring an application for an amendment to the Zoning Ordinance to address proposed historic district architectural guidelines. The members of the Planning Commission, and then the Yorktown Design Guidelines Study Committee, worked diligently over the past year to make the document as good as it could be, under the assumption that there would be an adopted document. He pointed out that the current proposal is significantly different, shorter and simpler than the original draft. He stressed that the proposed guidelines, unlike the earlier draft, were written in "should" format, not "shall," allowing more latitude to the review committee and property owners. Mr. Hendricks said that Mr. Mark Carter, Planning and Zoning Manager, and several members of the Yorktown Design Guidelines Study Committee were in attendance.

INFORMATION / Q&A

Mr. Mark Carter summarized the major changes to the first draft that are reflected in the proposed design guidelines. (Copies of his overhead projections are attached.) Mr. Carter said the clarified and simplified document reduces four sub-areas to two, eliminates all provisions related to landscaping, provides a broader range of allowed building materials, and recommends changes in the name and composition of the new review committee.

Mr. Carter pointed out that all existing building conditions are grandfathered in the proposal. When any structure is proposed for change from the way it presently is, he noted, some changes would be exempt from review, some would require administrative approval, and others would require consideration by the review committee. He gave examples of each category.

Mr. Carter stated the processing time for applications that will require full review could be as short as 30 days, although the review committee could take as long as 65 days if needed. He compared these time frames to the current YVA review process. He also explained the different routes of appeal and how they would be processed.

The following are citizens' comments (in some cases with the corresponding, italicized staff or Commission responses).

- Landowners in Yorktown have voiced their objections to architectural guidelines for 20 years. Why are they being brought up again? Is it because we need more government?
We have responded to the Board of Supervisors by drafting architectural design guidelines, and presented them for your review and comment. The Focus on Yorktown workshops and the Yorktown Master Plan emphasized the need to consider ways to protect the architectural character of Yorktown, and the historic district zoning process is the only legal way to do that.
- The York County zoning ordinance has worked well. Move us back to the zoning requirements as they have been. Things will get worse with review board.
The guidelines would prevent certain types of architectural styles or features that the County or citizens would be powerless to prevent under the current Zoning Ordinance, which controls setbacks and lot coverage but not architecture.
- Doesn't believe someone will purchase a property in Yorktown and "build something stupid."
It is possible that someone would buy an existing house, tear it down and build something in its place. That has already happened on Moore House Road and on numerous waterfront properties throughout the County. The historic district zoning and design guidelines provide a way to ensure that the redevelopment will be compatible with the architectural character of Yorktown
- Government has the power to create a "heritage tourism destination" and that appears to be what the County is attempting to do. There are other options. Grandfather our property until it is sold so we can live private lives in this place where independence was won.
- Looks like these standards were taken from the Secretary of Interior's standards that were intended to protect historic properties, but they do not apply to our situation and properties.

- It is irresponsible to tear down Nick's and the Mathews house. The County is tearing down every single thing they've got their hands on.
- Landowners' group has voted against these guidelines every single time [they've come up].
- We don't need another layer of control. There are only a few lots that could be covered under the guidelines, anyhow.

Short of adopting architectural guidelines, there is no control to prevent someone from building a glass house on one of those lots as long as it conforms to height and setback requirements of the Zoning Ordinance and complies with the Building Code. While there are few vacant lots, there is the potential for demolition and redevelopment.

- Yorktown is a national shrine. Speaker has a business in Yorktown village but believes all are tenants and stewards to ensure that the legacy continues forever. We have an obligation to the American people as our gift to ensure that Yorktown is perpetuated. Speaker is willing to ensure that his property is developed properly. Commended the National Park Service (NPS) for swapping property with the County.
- You're taking my independence if I can't do what I want to with my home.
- Tourists think it's a perfect place to live and tell us not to change a thing.
- Speaker doesn't want five people determining what can be built on her porch. Why have an extra level of appointed government? Why can't we have a covenant on file in the zoning office?
- How are we going to get York County or the NPS to protect Yorktown? Grace Church was built in the 17th century but under certain circumstances the oldest wall in this community can be knocked out. The NPS doesn't keep up its property. The historic old post office was beautiful on the water but looks terrible on shore. Concerned the NPS picnic area will go to York County.
- How are we going to handle the traffic for all these tourists expected to come to Yorktown?
- Tourists are interested in two things: Where is Nick's? How do we get out of Yorktown?
- Obvious benefits would be increased aesthetic protection and increased property values. Other historic areas, such as Charleston, recognize the value of architectural design committees.
- American Revolution was fought over [too much] government control, not for guidelines.

- Tom Nelson would turn over in his grave.
- We take care of our houses; all historic houses should be grandfathered. We have a great plans examiner and we already have zoning and building controls.
- Majority of landowners have legal trusts to turn their property over to their children, who grew up here and who will keep up the properties. People who want to move into Yorktown won't be able to because there is no more land on which to build.
- But what would happen 30 years from now without the protections that are being proposed?
There is nothing to prevent the second or third generation from remodeling or building something totally out of character with the village.
- Forefathers fought to rid themselves of government control. The town where freedom was won shouldn't become the town where it is lost.
- To go before a five-member board infringes on my freedom. It's all about protecting this town. Everything is a tradeoff. Speaker doesn't think the County has been respectful to the citizens and their objections to this.
- There should be another way to accomplish the County's goals of protecting the town.
The only legal way under the Code of Virginia to get any type of control over architectural features is through a historic district and a design guidelines process administered by a review board appointed by the Board of Supervisors.
- It is hard to live with [the threat of a taking by] eminent domain hanging over our heads.
- Take the political process out and let the landowners select the five-member board.
The Code of Virginia mandates the process for the review board to be appointed by the governing body.
- Ninety-five percent of landowners are against this but the County is fighting hard for it. Is money the underlying reason?
The Board has sponsored this application in response to the Yorktown Master Plan and the overarching feeling that protecting the architectural character of Yorktown is important, even if that goes against the wishes of a majority of Yorktown residents. As the elected representatives they are charged with making decisions that they collectively feel are best.
- Will the County abide by the guidelines?
Yes.

- Speaker hopes to be advised of NPS, or other, hearings before any property transfers take place.

Mr. Hendricks remarked that the Planning Commission is not advocating more government nor is it interested in duplicating what Colonial Williamsburg has done. The vision of the Planning staff and the Commission is simply to preserve Yorktown as an historic area in which we can take pride.

Mr. Simasek remarked that the Yorktown Design Guidelines Study Committee worked very hard to revise the original draft. Its members believe in Yorktown and respect the Yorktown landowners and the level at which they have maintained their homes. The County does not want to control how the homes are managed, he said. The type of oversight called for in the proposal is basically what the landowners have been doing all of their lives, so he did not understand the fear the citizens have expressed over having the architectural review that is being proposed.

Mr. Simasek also noted that the County has spent many dollars, as have the federal and state governments, to ensure the village of Yorktown continues to be healthy and viable. As a citizen, he has a personal investment in Yorktown; as a member of the tourist industry by profession, Mr. Simasek knows that people will continue to visit Yorktown and their dollars will help to repay for the revitalization of the waterfront.

Mr. Ptasznik said he has heard some landowners mention “covenant” several times as an alternative to design guidelines. As a member and current president of his community’s homeowner association (HOA), Mr. Ptasznik mentioned that those who administer covenants are required to follow strict guidelines as set out and interpreted by their respective boards, which appointed them. In most cases they are volunteers whose decisions could be influenced by their individual opinions. The proposed guidelines offer more protection because they spell out exactly what the committee can or cannot permit, while still allowing some controlled flexibility. His own HOA experience has convinced him that the proposed architectural guidelines offer significantly better protection to the landowners than a covenant could offer. He suggested that the landowners file the ordinance creating the design guidelines along with their deed and make it part of the deed transfer to the next generation to ensure that nothing unseemly will be done to their property.

Mr. Barba mentioned that people from around the state know about Yorktown and have told him they like what has been done on the waterfront. He reiterated the Commission does not want to infringe on individual freedoms, and he did not believe that all change is “bad.”

Ms. White said the Committee attempted to capture what is already here and what can be done to preserve it. She acknowledged that any loss or perceived loss of freedom is painful and the County needs to deal with that issue.

ADJOURNMENT

Chair Hendricks thanked the citizens for their attendance and participation. The Commission directed staff to schedule and advertise the application for public hearing at its November 13th meeting. The meeting was adjourned at 8:35 PM.

SUBMITTED: /s/
Phyllis P. Liscum, Secretary

APPROVED: /s/
Michael H. Hendricks, Chair

DATE: November 13, 2002